



DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY SUPPORT ACTIVITY AREA III
UNIT #15716
APO AP 96271-5716

REPLY TO
ATTENTION OF

EANC-HG-CDR

17 March 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: US Army Support Activity Area III Policy Memorandum #51, Revocation of On-Post Driving Privileges

1. REFERENCES:

- a. AR 190-5, 8 July 1988, Motor Vehicle Traffic supervision
- b. USFK Regulation 190-1, 7 November 2001, Motor Vehicle Traffic Supervision

2. PURPOSE: This policy establishes an Area III wide driving privilege suspension/revocation policy for all installations.

3. APPLICABILITY: This policy applies to all personnel authorized to operate motor vehicles on Area III installations.

4. RESPONSIBILITIES:

- a. Commanders will ensure USFK military Personnel, the civilian components and family members comply with this command policy.
- b. Area III PMO enforces the provisions of this Command Policy, AR 190-5 and USFK Reg 190-1 through the use of DD Form 1408 and/or other appropriate measures.
- c. Sponsors of owners of Non-SOFA plated vehicles with USFK access media (DD Form 2220) will ensure drivers are aware of these provisions of this Command Policy.
- d. Operators of motor vehicles on Area III Installations will be knowledgeable and obey the provisions of this Command Policy.

5. GENERAL:

- a. Suspension.

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(1) Driving privileges may be suspended whenever an individual consistently violates installation traffic regulations, to include the accumulation of 12 traffic points within 12 consecutive months or 18 traffic points within 24 consecutive months. Suspensions will apply to individuals when other measures such as counseling, remedial driver training and rehabilitation programs fail to improve driver performance. Suspension may also be used as a temporary measure pending resolution of a revocation hearing. Suspensions, other than as a temporary measures pending the resolution of a revocation hearing will not exceed a period of six (6) months. Suspension will terminate at the end of the specified period and the driving privileges will automatically be reinstated.

(2) The revocation authority will immediately suspend the driving privileges of suspected subjects of drunk driving offenses pending the resolution of the allegation. Drunk driving offenses pertain to on/off post driving and being in physical control of a motor vehicle when their blood alcohol content is greater than the host nation standard (.05 percent).

(3) The revocation authority will immediately suspend the driving privileges of an individual who commits a serious driving offense (defined as an offense assessed more than 3 points under AR 190-5) while awaiting adjudication or administrative due process for commission of another driving offense and the gravity of the alleged offenses, together with the individual's previous record, causes serious concern for the safety of others.

b. Revocation.

(1) The revocation of driving privileges is a severe administrative measures to be imposed for serious moving violations or when other available corrective actions fail to produce the desired improvement. Revocation of driving privileges will be imposed for a specific period of time but never less than six (6) months.

(2) The revocation authority will revoke driving privileges for a mandatory period of one (1) year when -

(a) The revocation authority determines the person was lawfully apprehended for drunk driving and refused to submit to or complete a test to determine blood alcohol content.

(b) The revocation authority determines that there has been a conviction, nonjudicial punishment, or an administrative determination that a drunk driving offenses was committed. Official documentation of the conviction is required as the basis for the revocation; or

(c) The revocation authority determines that the owner of the vehicle willfully or negligently fails to maintain the minimum liability insurance required by this regulation.

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(3) The revocation authority will revoke driving privileges for those persons apprehended when driving while under suspension or revocation for a period of Five (5) years. In addition, separate action may also be initiated on the basis of any applicable traffic violations which were also committed.

(4) The revocation authority will immediately revoke the driving privileges of an individual who, based on medical certification, is incompetent to operate a motor vehicle for reasons of physical or mental impairment. Incompetence will be determined by a physician.

(5) The revocation authority may revoke driving privileges when an individual is apprehended while driving and has failed to comply with any of the conditions requisite for the granting of the privilege.

(6) While under revocation, individuals may not be permitted to obtain or use an OF 346. However, see paragraph 5-I for tactical vehicle exceptions.

(7) The period of revocation will be computed from the date the original suspension was imposed, excluding any period of time when full driving privileges were restored pending the resolution of the charges.

c. Review Procedures. Prior to the immediate suspension actions, the apprehending officer will provide the best evidence available to the reviewing officer.

(1) The best available evidence submitted to the reviewing officer will include, but not be limited to the contents of sworn statements, oral statements of actual witnesses, refusal to consent to blood tests, and field sobriety tests.

(2) At a minimum, the reviewing officer must be a commissioned officer outside the installation law enforcement agency. Normally, the revocation authority will appoint the Judge Advocate as the reviewing officer.

(3) The revocation authority may authorize an alternate commissioned officer outside law enforcement agencies to conduct reviews and authorize suspensions in cases where the designated reviewing officer is not reasonably available. Review by the designated reviewing officer will follow as soon as possible. There is no requirement for a confirmation notice to be served on the suspected individual following the subsequent review by the designated reviewing officer.

d. Notice.

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(1) For active duty military personnel assigned within the USFK, written notice of the immediate suspension will be provided to the individual after apprehension and approval of the reviewing officer. The apprehended individual will acknowledge receipt of the suspension. The Provost Marshal's Operation (PMO) will provide a copy of the acknowledged suspension to the unit representative taking custody of the apprehended individual, to the unit commander, and to the servicing Judge Advocate.

(2) For civilian personnel under the purview of USFK and subject to the requirements of this regulation, written notice of the immediate suspension offenses will be provided to the individual after apprehension and approval of the reviewing officer. The apprehended individual will acknowledge receipt of the suspension. The apprehending officer will provide a copy of the acknowledged suspension to the unit representative taking custody of the apprehended individual (if applicable), to the apprehended individual's supervisor, to the chief of the servicing civilian personnel office (if applicable), and to the servicing Judge Advocate.

(3) For both military and civilian personnel, written notice of suspension other than immediate suspensions will be forwarded through the chain of command for endorsement by the individual. Written notices for civilians not employed at a USFK installation will be sent by appropriate registered, return receipt requested mail. Original acknowledged suspensions will be maintained in the suspension/revocation files at the servicing PMO.

(4) Notices of suspension will contain the following:

(a) Notification that the suspension is immediate upon receipt.

(b) The fact that the suspension includes a prohibition against operating a motor vehicle under USFK motor Vehicle Operator's Permit anywhere in the ROK.

(c) The right to request within 10 days, in writing, a hearing before the hearing officer to determine whether driving privileges should be revoked; whether driving privileges should be reinstated; and/or whether restricted driving privileges, if requested, should be granted. If a hearing is not requested within 10 days, the revocation authority may immediately revoke the individual's privileges.

(d) The right of DOD civilian employees to have a personal representative present at the administrative hearing.

(e) The right to be represented by counsel, present evidence and witnesses, at the individual's own expense.

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e. Hearings. Within the USFK, driving privilege hearings will be held by the Area Support Group Commander/Support Group Commander, or their representative designated as the reviewing officer. Such hearings are administrative in nature and not adversarial. The Judge Advocate will use such procedures to ensure that the individual's right to notice and opportunity to present evidence are protected. These administrative hearings are used by the revocation authority to determine any additional facts that may be available in deciding whether to revoke or suspend driving privileges or grant restrictive driving privileges.

(1) A hearing will be conducted within 10 working days of receipt of the request. If a hearing is not held within 10 days, and the delay is not requested by the individual, the suspension of driving privileges will automatically be lifted until a hearing is held.

(2) Administrative hearings on driving privileges will cover only pertinent issues.

(3) A recommendation will be furnished to the revocation authority from the hearing officer. The revocation authority will render a decision whether to suspend, revoke, restrict, or reinstate within seven (7) days from the hearing. If no decision is rendered at the conclusion of seven (7) days, the suspension of driving privileges will automatically be lifted until the decision is rendered.

(4) Suspensions and revocations issued by the revocation authority will become effective immediately upon receipt of the written notification.

f. Appeals. Suspensions and revocations issued by the revocation authority may be appealed. Requests for appeal must be presented through command channels to the revocation authority for consideration within 10 days from the date the individual is notified in writing of the revocation authority's decision.

g. Disposition of POV license plates following suspension and Revocation.

(1) The Area Support Group Commander/Support Group Commanders will establish procedures to confiscate POV plates of personnel under revocation action.

(2) The front license plate does not have to be removed if evidence is furnished that another member of the household or a hired chauffeur is authorized to operate the vehicle.

(3) **NOTE:** Personnel required to confiscate license plates shall maintain strict accountability of impounded license plates until driving privileges are reinstated, the license plate returned to the owner, or the owner clears vehicle registration by proper disposition of the vehicle.

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(4) Deregistration, instead of license plate confiscation, will be effected if the person's expiration of term of service or permanent change of station (PCS) is scheduled during the period of revocation.

h. Reinstatement of Driving Privileges.

(1) Driving privileges are automatically reinstated at the termination of a suspension period.

(2) Persons whose driving privileges were revoked or restricted shall, at the termination of revocation or restriction period, request through their command, supervisor or higher authority, as appropriate, permission to obtain a new USFK motor vehicle operator's permit. The commander will ensure that all required courses (for example, remedial driver training and alcohol education classes) have been completed. The commander's recommendation and request will then be forwarded to the PMO.

(3) The PM will verify compliance with all terms of the revocation or restriction and forward the requests to the appropriate approving authority for final approval. After obtaining approval, the individual may apply for a new USFK Motor Vehicle Operator's Permit.

i. Restricted Driving Privileges.

(1) The revocation authority may consider and grant requests for restricted driving privileges based on, but not limited to, mission necessity, medical needs, or severe family or employment hardship.

(2) Restricted driving privileges will not be granted to any person whose driver's license is under suspension or revocation by a state, federal, or host nation court or administrative agency. Restricted driving privileges will not be granted to either those individuals apprehended while driving on suspension or revocation, those individuals apprehended while driving outside of previously imposed restriction, or those individuals apprehended on a second drunk driving offense. Such denials will not be made until there is an administrative decision rendered by the revocation authority on the subsequent alleged misconduct.

(3) A field grade commander may approve restricted driving privileges only for the operation of tactical vehicles and only after medical determination is made that the individual does not have an alcohol or drug problem. Mission accomplishment will be the key reason an exception is granted. A copy of approved exceptions will be forwarded to the PMO. The exception will be filed with the revocation case file. This does not apply to individuals who have had administrative determination of a second drunk driving incident.)

(4) **NOTE:** A tactical vehicle is a military vehicle used primarily off the road in support of military operations and training events; it is not a vehicle used for administrative purposes.

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6. **POC** for this policy is the **CSM Frace** at **753-6109**.

2 Encls

1. Point Letter
2. Parking Letter

Michael D Clay
MICHAEL D. CLAY
COL, IN
Commanding

DISTRIBUTION:

A & B

**DEPARTMENT OF THE ARMY
OFFICE OF THE SUB-AREA III PROVOST MARSHAL
CAMP HUMPHREYS, AREA III SK
APO AP 96271**

EAPB-NPM-HM

13 January 2003

MEMORANDUM FOR (UNIT COMMANDER)

SUBJECT: Advisory Letter on Traffic Point Accumulation for _____.

1. IAW USFK Reg 190-1, Paragraph 4-10 (c)(1), you are being notified that _____ has accumulated _____ Points in a 6 month period.
2. The above regulation also stipulates that if you accumulate 12 points in 12 consecutive months, or 18 points in 24 consecutive months, your driving and registration privileges will be suspended or revoked LAW above cited regulation.
3. IAW Chapter 4, Paragraph 4-10 (c), USFK 190-1 (Motor Vehicle Traffic Supervision) The Chief, JUSMAG-K, EUSA Area Commander, or USAF Support Group Commander, and the person's chain of command (or supervisory chain) will be notified that the military member must attend remedial driver's training upon the six or more traffic points in six months. Our records currently indicate this individual has accumulated six traffic points in a six-month period on their driver's license.
4. Points assessed against you will remain effect for a 24-month period.
5. In the event the individual has departed your command, annotate in the remarks section of DD FM 1408 and forward a copy of the accumulation of individuals Traffic Section NCOIC at 753-6615.
6. POC for this memorandum is the undersigned at 753-6108.

Encl

MICHAEL D. CLAY
COL, IN
Installation Commander

Encl 1

**DEPARTMENT OF THE ARMY
OFFICE OF THE SUB-AREA III PROVOST MARSHAL
CAMP HUMPHREYS, AREA III SK
APO AP 96271**

EAPB-NPM-HM

20 February 2003

MEMORANDUM FOR (UNIT COMMANDER)

SUBJECT: Advisory Letter on Parking Violations for _____

1. IAW USFK Reg 190-1, Paragraph 4-9 (d)(6), you are being notified that _____ has accumulated 3 DD Form 1408 for Parking Violations during a 60-day period.
2. IAW Chapter 4, Paragraph 4-9 (d), USFK 190-1 (Motor Vehicle Traffic Supervision) The Chief, JUSMAG-K, EUSA Area Commander, or USAF Support Group Commander, and the person's chain of command (or supervisory chain) will be notified that the military member must attend remedial driver's training upon the three or more Parking Violations during a 60-day period. Our records currently indicate this individual has accumulated three DD Form 1408 for Parking Violations during a 60-day period on their driver's license.
3. Points assessed against you will remain effect for a 24-month period.
4. In the event the individual has departed your command, annotate in the remarks section of DD FM 1408 and forward a copy of the accumulation of individuals Traffic Section NCOIC at 753-6615.
5. POC for this memorandum is the undersigned at 753-6108.

Encl
DA Form 3626

MICHAEL D. CLAY
COL, IN
Installation Commander

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